

CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU

TUESDAY, MARCH 21, 2006
KAILUA HIGH SCHOOL CAFETERIA
451 Ulumanu Drive, Kailua, Hawaii 96734
6:00 p.m.

MINUTES

Charter Commission Members Present:

Jeffrey T. Mikulina
Andrew Chang
Jerry Coffee
Amy Hirano
Stephen Meder
Jim Myers
Malcolm J. Tom

Charter Commission Members Excused:

Donn Takaki
E. Gordon Grau
Jared Kawashima
Darolyn Lendio
James Pacopac
Jan Sullivan

Others Present:

Chuck Narikiyo, Executive Administrator, Charter Commission
Lori K. K. Sunakoda, Deputy Corporation Counsel, Department of Corporation Counsel
Loretta Ho, Secretary, Charter Commission
Nicole Love, Researcher, Charter Commission

1. Call to Order

Vice Chair Jeff Mikulina called the Community Informational Briefing to order at 6:09 p.m. on March 21, 2006. Vice Chair Mikulina went over housekeeping rules and stated that testimony will be limited at first to five minutes and may be reduced to two minutes if there is a large number of testifiers to be fair to those wishing to testify later in the agenda. The testimony must be related to the agenda.

2. Executive Administrator's Report

Executive Administrator Narikiyo gave a brief history of the City Charter and the Charter Commission.

Executive Administrator Narikiyo stated this month and next month the Commission are holding public informational briefings intended to get additional input from citizens. He went on to say during the months of April and May; proposals would be selected for the ballot for the 2006 electorate and would be going through rigorous legal drafting and review process through the summer. Executive Administrator Narikiyo advised during the fall the final stage of the Commission's work before the election would be voter education and publicity.

Executive Administrator Narikiyo reported in follow up to one of the Charter Commission's recent meetings, he contacted Kerry Komatsubara, Chair of the last Reapportionment Commission at one of the Commissioner's request. Mr. Komatsubara's recollection was the Reapportionment Commission did not look at the issue of staggered terms or other ways to address to address to potential issues presented by reapportionment.

Mr. William Woods-Bateman testified in response to the Executive Administrator's report. He stated a concern relating to the agenda is promulgated. Mr. Woods-Bateman went on to say it is not stated on the agenda it is a hearing notice. Mr. Woods-Bateman suggested to include in the future to call it a hearing so everyone knows it is an impacting proposed amendments and it is a real distinction in terms the public understanding of hearing and hearing notices.

Mr. Woods-Bateman second issue is how the items are presented. He stated concerns for several items he is watching. Mr. Woods-Bateman suggested that they list the items, proposal title and a little description and list on the proposal site to make it a little easier for the public to be able to participate. He commends the Commission for doing a good job in getting the community involved by notifying people in advance, the agenda and minutes have been extremely clear and feels this might make it even better.

Vice Chair Mikulina thanked Mr. Woods-Bateman and would take his ideas into consideration.

3. **Public Input on Proposals:**

Vice Chair Mikulina explained the proposals has been consolidated into separate agenda items to help manage time. The public testimony would be accepted for proposals under that agenda item when they get to that section. Vice Chair Mikulina asked the public when they go up to testify to state their name, the proposal number they are directing their comments towards and at the onset to mention if they are for, opposed or offering comments. Vice Chair went on to say in order to accommodate everyone that would like to give input, he request that remarks be limited within those issue groups.

DISCUSSION:

A. Departments and Personnel

PROPOSAL 27 - Liquor Commission and Civil Service; Exempt Liquor Control Administrator and Deputy Administrator from civil service.

PROPOSAL 33 - Department of Emergency Services; Revise the Powers, Duties and Functions of the Director and the Department.

PROPOSAL 35 - Department of Information Technology; Revise the Powers, Duties and Functions of the Director.

PROPOSAL 36 - Fire Chief; Revise the Powers, Duties and Functions of the Fire Chief and the Fire Department.

PROPOSAL 45 - Board of Water Supply; Amend qualifications of Board Members.

PROPOSAL 49 - Office of Council Services; To authorize the attorneys in the Office of Council Services to serve as legal advisers and legal representatives of the City Council along with the Department of Corporation Counsel.

PROPOSAL 56 - Fire Chief; Establish a 5-year term of office for the Fire Chief.

PROPOSAL 57 - Transportation; Establish a new, temporary agency in the city to develop the new public transportation system to be funded by the tax surcharge.

PROPOSAL S-9 - Department of Transportation Services - Revise Powers, Duties and Functions; Promote pedestrian- and bicycle-friendly city

The following individuals testified:

1. James Sloane, Emergency Services Department – Ocean Safety Division (Proposal 33)
2. Matt Higgins, Emergency Services Department – Ocean Safety Division (Proposal 33)
3. Jim Howe, Operations Chief, Emergency Services Department – Ocean Safety Division (Proposal 33)
4. Betty Gearen (Proposal S-9)
5. Randy Ching (Proposal S-9)

Written testimony:

1. Joseph Magaldi, Jr., Chair, Transportation Commission (Proposal 57)
2. Gwen Sinclair (Proposal S-9)
3. Alan Murakami (Proposal 45)
4. Randy Ching (Proposal S-9)
5. Duc Ong (Proposal S-9 and 45)
6. Graceson Ghen (Proposal S-9)

Mr. James Sloane testified in support of Proposal 33. He's been an employee of the Ocean Safety division since 1994 and is a Senior Lifeguard and National Emergency EMT in Waikiki Tower 2 Bravo located next to Duke Kahanamoku's Statue. Mr. Sloane gave four brief points in support of amending the Charter under Proposal 33. He stated the current Charter was written when Ocean Safety was part of the Department of Parks and

Recreation. In 1998 under the Harris Administration, Ocean Safety was moved from the Department of Parks and Recreation and became a division of the Honolulu Emergency Services Department. Mr. Sloane stated the current charter is antiquated and should be amended to more adequately match the duties they have been performing competently for decades. His first point was that almost inevitably Ocean Safety has the quickest of response times and the public deserves the quickest possible response time as often lives are dependent upon the response times. Mr. Sloane's second point is they work well with their sister division, the Emergency Medical Services. Since the reorganization under the Harris administration in 1998, Ocean Safety was combined with EMS and became the Emergency Medical Service Department, which at that time Ocean Safety became a true public safety entity. He went on to say as a result, the more effective inter agency collaboration, and taxpayers are provided competent rescue operations as well as immediate pre-hospital care. Mr. Sloane stated his third point; reduction of these duplicate services provided by the EMS and the Ocean Safety Department would save the taxpayers money and would not dilute the Honolulu Fire Department's efforts on fighting fires and landside rescue operations. His last point is it is not in the best interest of the public to limit Honolulu's Nationally and Internationally recognized lifesavers. Many are national registered Emergency Medical Technicians, Big Wave Specialists, Rescue Crop Operators, Rescue Divers and United States Coast Guard Auxiliary Class graduates. Mr. Sloane went on to say they are trained and equipped to the highest standards in the United States for Ocean Safety and Rescues.

Matt Higgins testified in support of Proposal 33. Mr. Higgins shared a situation with the Commission relating to Ocean Safety. Three weeks ago expert world-class canoe paddlers who were making a run from the Makai Range Pier into Portlock area. Mr. Higgins stated it wasn't a day for beginners but these were world-class paddlers and one of the individual boat broke in half near Makapu Point Lookout and he started to swim. He went on to say a hiker noticed the situation and made a 911 call, was patched through and then the call moves along its way where the Fire Department gets the call. Mr. Higgins explained, the way the current charter reads, depending who's in charge, what captain is working, in what particular area when the call gets to the Fire Department, the communication begins to work a little differently. He stated the Fire Department in Hawaii Kai has jet skis, some have jet boats as well as Waimanalo Fire Department. Mr. Higgins went on to say a Fire Captain who looks at the situation as something they could handle because they are beginning to train to do those rescues and decides to take the situation in their hands. He went on to say on that particular day, Ocean Safety had a jet ski positioned at Sandy Beach that is mobile and the Ocean Safety staff operators are prepared to launch from any beach on the Eastern Coast. Mr. Higgins states the individual is swimming and was not in grave danger because of the quality the individual was. After 35 minutes, the individual reached land and heard the ambulance, sirens and choppers flying overhead thinking there was a big accident unbeknown to him they were starting to look for him. Mr. Higgins question to the Commissioners as well as the Ocean Safety staff on how long does the that response take to get to the Ocean Safety Staff when they have a jet ski on Sandy Beach and could have been in the water in four to five minutes, and up to Makapuu and save the individual the 35 minute swim in rough water. Mr. Higgins went on to say by supporting the proposal, the charter would change where in a similar situation where clearly a Fire Captain or the 911-call receiver would utilize the Ocean Safety Staff and can be put in the water rescue right away. Commission Myers

stated he understands why Mr. Higgins thinks the charter should be changed, for the public's safety why were the Ocean Safety Staff not called regarding the rescue if they know Ocean Safety had a jet ski? Commissioner Myers asked if it was because the way the Charter is currently written? Mr. Higgins responded he could not answer that question, but could say because HFD's equipment and training have evolved and may have an individual or supervisor who thinks they should be able to handle the situation because they are trained to handle the situation. He went on to say he's not sure at what point they would be called to assist. There are situations where they have different Captains on different watches and sometimes they do call Ocean Safety to assist because they know Ocean Safety has a jet ski readily available to assist. There are also situations where they want to handle the situation on their own. Mr. Higgins states if the Charter is changed and say it's a joint affair and to handle it the fastest way they can. The language could provide clarity and everyone knows how quickly HFD can operate and how quickly Ocean Safety can operate. Commissioner Coffee asked Mr. Higgins for clarification on the consolidation of EMS and Ocean Safety? Mr. Higgins responded in the affirmative. Commissioner Coffee stated an earlier-proposed amendment that was before the Commission for consideration was to consolidate EMS and HFD, which encountered both sides of objections. Commissioner Coffee stated as Mr. Higgins is saying if there was a single entity and a call went out to all three agencies; HFD, EMS and Ocean Safety and everyone knows what is going on and the response action, he asked Mr. Higgins what his feelings are on the consolidation of EMS and HFD. Mr. Higgins responded it seems they could work together better. He went on to say consolidating EMS and HFD, he thinks someone joins the HFD to fight fires, HFD has an elite rescue team that are trained for mountains, body retrieval and vessels in distress. He states Lifeguards join the Ocean Safety Department to save lives on the beach. Mr. Higgins would need more time to think about Commissioner Coffee's question. Commissioner Chang asked Mr. Higgins or Corporation Counsel regarding the proposed charter amendment specify additional duties to be assigned to the Emergency Services Department for purposes of clarity for the purposes Mr. Higgins is advocating. Commissioner Chang went on to say currently in the Charter under the sections powers, duties and functions it says perform such duties as it may be required by law. Commissioner Chang asked Mr. Higgins if that current statement would not be a responsibility of the City Council that could be done by ordinance versus doing a Charter amendment. Mr. Higgins responded he's not familiar with that area and would have to ask his supervisors and the Corporation Counsel. Commissioner Chang rephrased the question and asked Mr. Higgins if he knew whether or not anyone in their department has proposed an ordinance to the City Council in past years. Mr. Higgins responded he doesn't know. Commissioner Chang then asked Vice Chair Mikulina this may be a question they could have Corporation Counsel do research.

Jim Howell testified in support of Proposal 33. Mr. Howell stated they have many residents and visitors on the beaches and using the near shore waters. He stated it is unfortunate that there are many fatalities every year and as Mr. Sloane mentioned earlier, the difference between life and death in these circumstances is the response time, which is really critical. Mr. Howell stated the Ocean Safety Division is deployed at the beach, the Fire Department is at their fire station. He went on to say Ocean Safety has the assets, personnel and training to execute those type of ocean rescues in 4-6 minutes if they get the call. Mr. Howell stated that's the key, if they get the call. He went on to say under the current charter, the Ocean Safety Division doesn't have authority outside of City Beach

Parks. He went on to say they would like to change the charter to reflect what the Ocean Safety Division has been doing already which would lead to greater public safety, save lives, clearly define it's a joint responsibility between the Fire Department and the Ocean Safety Division and get to the people that need help as fast as possible.

Betty Gearan testified in support of Proposal S-9. Ms. Gearan stated they would ride their bicycle more frequently but with the inherent danger of riding bikes in the city they don't. She went on to say if the proposal is passed it would make it possible for families like hers to live a more healthful lifestyle and would get more cars off the road. Ms. Gearan states the key to that would be to have more bike lanes and encourage biking as an alternative.

Randy Ching testified in support of Proposal S-9. Mr. Ching stated Honolulu needs to consider bicyclists and pedestrians as Honolulu has one of the highest accident rates for pedestrians and bicyclists in the United States. He went on to say he thinks one of the reasons is Honolulu doesn't put enough thought into the infrastructure for transportation. Mr. Ching stated there is a bill in the State Legislature, which is asking the Department of Transportation for a certain percent of their funding to be earmarked for bicycle infrastructure. He went on to say when he asks friends and other people why they are not bicycling the response is they don't feel safe. Mr. Ching thinks this would be a good addition to the City Charter to consider pedestrians and bicycles instead of only automobiles when the City does any type of planning for the City.

B. Planning, Zoning, and Environment

PROPOSAL 7 - Sustainable Community Plans and Development Plans.

PROPOSAL 21 – Planning and Zoning; Establish urban growth boundaries and agricultural protection zones.

PROPOSAL 22 - Planning Commission; Restore the position of Executive Secretary.

PROPOSAL 32 - Planning Commission; Establish deadlines for Mayor and City Council to act on certain Planning Commission recommendations.

PROPOSAL 47 – Planning and Zoning; Establish urban growth boundaries.

PROPOSAL 69 - Planning and Zoning; Require 2/3rds vote for Planning Commission and City Council before agricultural land can be converted to urban use.

PROPOSAL 71 - Department of Environmental Services; Require the Director to develop and administer a curbside recycling program.

PROPOSAL 96 - Environmental Bill of Rights; Add new article with an "environmental bill of rights" for current and future residents.

PROPOSAL 98 - City Buildings and Department of Design and Construction; Require City Council to adopt green building standards for city buildings, revise Department of Design and Construction duties to comply with green building standards.

PROPOSAL 99 - Development Plans and Zoning; Require that when an acre of land is converted from agricultural or preservation designations, an acre of land will be converted to those designations, ensuring no net loss of agriculture or preservation lands.

The following individuals testified:

1. Melody Heidel (Proposal 71)
2. Shannon Wood, Windward Ahupua`a Alliance (Proposal 71)
3. Giorgio Calderone, Regional Asset Manager for Oahu, Kauai, Maui and Molokai - Kamehameha Schools (Proposal 21, 47, 69, 99)
4. Dean Uchida, LURF (Proposals 7, 21, 32, 47, 69, 99)
5. Carol Iacovelli (Proposal 71)
6. Randy Ching, Sierra Club (Proposal 71, 99)
7. Betty Gerren (Proposal 71, 99)

Written testimony:

1. Land Use Research Foundation of Hawaii (Proposals 7, 21, 32, 47, 69, 99)
2. David Callies (Proposals 47, 99)
3. Jim Tollefson, President, Chamber of Commerce of Hawaii (Proposals 21, 32, 47, 69, 99)
4. Randy Ching (Proposal 71)
5. Arlene Sison (Proposals 21, 47, 99)
6. Malia Kipapa (General Comments on Environmental Proposals)
7. Graceson Ghen (General Comments on Planning Proposals)
8. William "Buzz" Hong, Hawaii Building and Construction Trades Council, AFL, CIO (Proposals 21, 47, 69, 99)
9. Duc Ong (Proposals 21, 47, 69, 71, 96, 98, 99)
10. R. Eric Beaver, President and CEO, Hawaii Reserves, Inc.
and Steve Hoag, Director of Human Resources and Government Relations, Hawaii Reserves, Inc. (Proposals 21, 47, 69, 99)

Melody Heidel testified in support of Proposal 71. She had participated in a curbside recycling pilot project in the Kailua area by the City. Ms. Heidel stated it was incredible successful as a community and those she knew participated and was thankful to have the opportunity and was disappointed that it was not an intricate part of City's waste disposal process. She stated they still continue use their pink recycle bins as well as the new blue recycle bin. She went on to say it show their community supports recycling and the increased participation with the beverage deposit over the past year shows the community at large would recycle if the convenience were provided. Ms. Heidel stated it would be good to see on the Charter as the public supports recycling and asked the Commission to allow the public to vote to have recycling included in the Charter.

Shannon Wood testified on behalf of the Windward Ahupua`a Alliance in support of Proposal 71. Ms. Wood stated when the proposal was presented to the Commission earlier in the process, the situation at that time perhaps indicated that the proposal wasn't going to be necessary to be put this proposal on the ballot for consideration but has changed her opinion and believes it is important to include recycling in the Charter. Ms.

Wood stated the City and County of Honolulu needs to take the position that recycling is something that should be above politics and personal preferences and should be included as part in the general statement of principles. She went on to say she believes it is extremely important and urges the Commission to have this proposal placed on the ballot for the voting public this fall. Ms. Woods stated after going to various community meetings and speaking with individuals she gathers that residents and visitors want to have a comprehensive curbside recycling programs that works and remove it from partisan or political consideration and make it a general principle for the City and County of Honolulu.

Giorgio Caldarone testified in opposition of Proposals 21, 47, 69 and 99. Mr. Caldarone stated he echoes Mr. Dean Uchida's written testimony before the Commission and added more specific reasons why Kamehameha Schools oppose those proposals. He went on to say Proposal 21 treating Ag as protection zones would not guarantee Ag. Mr. Caldarone stated when placing the zoning blanket over something it doesn't guarantee it but may possibly destroy it. He went on to say Ag would only flourish when there is proper soil, access to water, a reasonable cost, slope is right, infrastructure and all of these need to be taken into account. Mr. Caldarone stated the intent is to keep Ag to maintain open space and this amendment falls short of this goal and the amendment should include this. He went on to say one of the best ways the City can promote farming and the retention of Ag lands is to drastically reduce the RPT burden which owners on Ag land face. Mr. Caldarone stated he thinks it is one of the primary drivers of urban conversion. He went on to say if the City truly feels Ag land serves a public function, and then all must share the cost, the RPT burden must be reduced significantly. If the Charter Commission is serious about protecting Ag lands, RPT's should be one of the primary mechanisms and leverage by which protections are achieved. He went on to say if you force Ag where it's not working, it would create false Ag housing subdivisions. He stated people are going to find ways to subdivide and pull the economics out of the parcel. Mr. Caldarone stated they are committed to Ag and are one of the few landowners who are taking beam in certain areas. Proposal 99- Mr. Caldarone stated Ag and preservation are said to be clustered in large contiguous areas, they currently provide open space. He went on to say some of the other land designations such as urban, commercial, residential, industrial are also clustered in respective areas usually in dense urban settings. This proposed amendment would require one acre of land or preservation land with another land use designation, basically swapping. He went on to say it seems logical but unreasonable to pursue, but was unsure how that would be implemented. In the end if this is implemented, they would end up with a fractured and fragmented land use which does not make sense and it could be somewhat arbitrary similar to the no net loss of wetlands. He went on to say it would start creating wetlands in areas where the natural ecosystem doesn't need it, the animals are not using it, and birds are not using it. It is created but it destroyed one acre of wetlands that was well used.

Dean Uchida testified in opposition to Proposals 21, 32, 47, 69 and 99. He stated there is a lot of the proposals are worth debating and are some good ideas that are being proposed but the question is whether they are warranted and should they be elevated to a Charter Amendment. Mr. Uchida went on to say they think a lot of the issues should be debated in the planning or ordinance levels of local government and feels that's where the decision making should be made as opposed to being placed in the Charter. He stated a

lot of the proposals deal with urban growth boundaries and some type of Ag protection, which is a line that is drawn where urban areas are going to stop and where they are going to have agriculture. Mr. Uchida went on to say the model used in the proposal from other cities such as Portland but what's missing from the discussion and is concerning when putting urban growth boundaries in the Charter, is urban growth boundaries work if there is a comprehensive land use plan to stimulate activity to increase the density in urban corridor as opposed to saying this is a line, you can't go beyond it. He went on to say a comprehensive land use plan is needed in order for urban growth boundaries to work and to put it in the charter is not going to solve the problem. Mr. Uchida went on to say the city needs to increase sewer capacity, water capacity and drainage. There are situations in Honolulu, even if they wanted to increase zoning and density, they are not able to because the infrastructure is at capacity already. Mr. Uchida stated the notion of smart growth and urban growth boundaries will work but there's a commitment on government's part to do certain things also. He went on to say with respect to the Ag areas and the attempt to preserve agriculture for agriculture and not open space; he thinks they need to look at the City's ability to handle agricultural land. Mr. Uchida stated the City and County of Honolulu is the only county that doesn't have any rural land classification, everything is agricultural, urban and conservation. There are four state land use categories; urban, conservation, agricultural and rural. The state manages conservation; urban and agricultural are managed by the city. He went on to say as the prior speaker indicated, the city doesn't have the ability, internal resource, staffing our knowledge to manage agriculture. Mr. Uchida stated a couple of years ago they went through a very intense process to address the real property tax issue on agricultural land. He went on to say the City uses comp sales to set values for the real property tax which work when doing it with residential and single family residences, but it doesn't work when dealing with agriculture because the real estate value of land doesn't track with the Ag yield from the land. The Ag yield is what the land can produce and from an income standpoint is the value you get from the land. Mr. Uchida once they start going into the set values, i.e. Hokulia was selling \$1M per acre for agricultural land, and there is no farmer who can afford \$1M per acre. He went on to say and uses the example the real estate property value went up and down but not the price of tomatoes doesn't go up and down like real estate values and there's a disconnect with the Ag value and the real estate value that has to be recognized. Mr. Uchida stated the City doesn't have any expertise and up until the con con the State was managing the real property tax and the DOA would set the tax rate for agriculture. When it was split apart and was given to the counties, the counties would rely on DOA to provide some of the expertise. He stated it's a problem statewide as none of the counties have any in-house expertise to handle agriculture. He went on to say you are looking at natural resource management issues as opposed to municipal issues. The city is well equipped to manage municipal issues, urban and rural lands but not equipped to handle natural resource management issues. Mr. Uchida suggested when looking at some of the Ag protection issues on the charter to really look and see if the city is really capable of doing what is set in the charter. He went on to say those proposals should be debated at the planning or ordinance level but not in the charter. Commissioner Chang asked Mr. Uchida while the various proposals have merit there is nothing currently in the Charter that constrains the City Council and the Administration from working on the proposals and address it through the Ordinance process? Mr. Uchida responded that is his understanding. Commissioner Chang asked Mr. Uchida the complexity contained in the proposals would be better handled through the

much more detailed, deliberative process of the Council? Mr. Uchida responded in the affirmative. Commissioner Coffee asked Mr. Uchida if the current act classification system include various breakdown within the agricultural category relative to the true appropriateness for agricultural use? Mr. Uchida responded he thinks the only breakouts are for wasteland for gullies and gulches and then vacant agricultural land. He doesn't think they break it out into different types of yields where they have a differentiation of ability to produce any type of crop versus Ag underutilization, vacant agricultural lands and unusable or gulch lands. Commissioner Coffee asked wasn't that one of the issues with Hokulia that one of the lands wasn't really appropriate for agriculture yet because there is no other category it was Ag land? Mr. Uchida responded there is a lot of agriculture land that really questions whether it should be Ag or not. He went on to say when the comprehensive zoning was done in the State of Hawaii in Statehood, they identified the restricted watershed areas, which became conservation back then they used it as a watershed area. Mr. Uchida stated they also identified urban areas, existing town cities for urban. Everything else in between became agriculture and then a few years later they came up with the notion of rural land categories. He went on to say total rural acreage statewide is 10,000 acres and there are 4 million acres in the state, as you can see the rural category has not been properly utilized and that is what probably has happened with the Hokulia situation.

Vice Chair Mikulina told Mr. Uchida he is curious about the statement Mr. Uchida made earlier regarding the \$1M per acre in Hokulia which a farmer might face and asked Mr. Uchida if he felt the problem might be speculation because the things are so malleable? There's an Ag designation but should they go before the Planning Commission to get it rezoned or go before the LUC and have it reclassified that the value, since the city really lacks true Ag protection zones or urban growth boundaries, the value is whatever they want it to be as soon as they get to proper entitlements. Does this contribute to speculation or is it not a concern? Mr. Uchida responded he thinks there is a certain amount of that going on, but thinks the problem especially in the City and County of Honolulu, there's conservation or preservation, there's urban and everything else is Ag. He went on to say the way the county has been using agriculture, the Hokulia case is a classic example of that issue. They were granted subdivisions; they were basically given development rights that were more conducive to more of a rural urban city than to agriculture. Mr. Uchida stated if people have that type of expectation, than speculation might kick in to drive up the cost. He went on to say the question is whether the lands in Haleiwa that was selling \$1M per acre on beachfront whether that should be Ag or not. Mr. Uchida felt it should have been something else, possibly rural and then the City or the State could get the tax revenue from that higher valued land.

Carol Iacovelli testified in support of Proposal 71. Ms. Iacovelli stated she is personally an advocate and tries to recycle. She went on to say she works at a school and her students are active in environmental stewardship and recycle is a great concern of theirs. Ms. Iacovelli stated her students are aware the landfill is reaching its capacity and that there's a need to reduce the amount of things to go into a landfill and the initiative towards recycling can reduce the need for more landfill, which no one wants. She went on to say the possibility of having curbside recycling which they are aware of and are disappointed with the possibility or the use of the blue bins seemed to be happening and then it wasn't. Ms. Iacovelli stated if there is any way that the City Charter can help advance and commit

the community for this important step, not only for her but for the future of young people that want to live in Hawaii for a long time and want to be able to speak with stewards of their community. Commissioner Chang asked Ms. Iacovelli in her experience as she has been very involved in the recycling issue, in her experience in dealing with this issue with various leaders in the community and the legislative bodies what is it in her opinion the resistance to getting a good curbside recycling program starting? Commissioner Chang stated it seems to him it doesn't require a charter amendment but the will to participate. Ms. Iacovelli responded she can only speak trying to express what she thinks is the community will and trying to put that forward as best as she can. She stated she's not experienced in the legislature, but there are many small obstacles having to do with conflicting agreements between different people, organizations that are going to handle or not handle the waste management and those have caused a breakdown in communication. Ms. Iacovelli went on to say if the Commission can say recycling will be, than those that she thinks that might have minor disagreements as stated earlier can be more quickly resolved.

Randy Ching testified in support of Proposal 71. He stated he thinks they should make it a statement of policy for the city to have a curbside recycling program. Mr. Ching stated the current Administration and the current City Council came up with a program that was inadequate, half-hearted and doesn't believe it would work very well because he doesn't think the will is there and should set it as a policy in the City Charter to say the Director needs to administer this program. He went on to say the Sierra Club was very involved and tried to shepherd the curbside recycling through the City's bill making process and the city decided it was not that critical. Mr. Ching stated there are 10,000 municipalities on the mainland that have seemed to overcome the problem we have here, though he doesn't know if our problem is any bigger than those cities but if 10,000 municipalities on the mainland can establish curbside and he doesn't see it as that difficult. He went on to say to put in the City Charter that it's the will of the people and make it policy.

Mr. Ching also supports Proposal 99. He stated this is also a matter of policy and state the philosophy that we don't want to loose any more Ag land. Mr. Ching stated in his experience that Ag land are sometimes rezoned into urban but have not seen any situation where urban land are rezoned to Ag. He went on to say once an Ag land is lost it's lost forever, he thinks as a matter of policy we need to say let's preserve the Ag lands on Oahu

Betty Gerren testified in support of Proposal 71. She went on to say she represents over 1,500 citizens across Oahu who is in support of Proposal 71. Ms. Gerren stated want curbside recycling and they want it now and not wait until 2008, the landfills are maxing out. She went on to if Commission puts in this amendment in the Charter, it would force the issue. Ms. Gerren stated they've tried to go through the legislature to try and put this measure forward and there is really strong opposition to it.

Ms. Gerren also supports Proposal 99. She stated she thinks we need an amendment like this to protect the Ag land. Ms. Gerren went on to say we need to support agricultural and preservation land and this amendment would support the green space on the island.

C. Ethics

PROPOSAL 28 - Ethics Commission; Allow the Ethics Commission to impose civil fines.

PROPOSAL 30 - Ethics, Charter Commission, Reapportionment Commission; Include the members of the Charter and Reapportionment Commissions as city officers for purposes of the ethics laws.

PROPOSAL 31 - Impeachment; Provisions re impeachment of elected officials are invalid; options to correct the charter.

PROPOSAL 41 - Standards of Conduct; Codify within the charter existing state law and provide uniform standards of conduct within all city entities.

The following individuals testified:

1. William Woods-Bateman, Self and Oahu County Committee of the Democratic Party of Hawaii (Proposal 41 – Support)

Written testimony:

NONE

William Woods-Bateman testified in support of Proposal 41. He stated the name of the proposed amendment “Standards of Conduct” is not a new section but they have taken all the elements that are currently in that section plus a couple that have been scattered throughout the charter and put them in this area. Specifically they added that didn’t previously exist in that area was other prohibited and political activities, under the Department of Human Resources. Mr. Woods-Bateman went on to say all elements of the Standard of Conduct in the proposed amendment before the Commission are somewhere in the existing charter. He stated the purpose of the proposal is to put all the elements of standards of conduct of all city entities, make sure the standards throughout the different areas and concept and put them into one place so the public and any person can find out these issues. Mr. Woods-Bateman stated the proposal also covers conflicts, disclosure, fair and equal treatment, prohibitions, political activities, other prohibited activities, future employment, ethics commission, registration of lobbyist, penalties, sanctions and disciplinary actions for violations in the conformance with current law and city authority. He went on to say when talking about standardization, it takes all entities of the city; personnel, contractor or anyone who is an agent of the city, that is referred to some section of the Charter puts it into one place and sets the standard of conduct that we should assume and which he thinks most of the public already expects to be happening. Mr. Woods-Bateman went on to say the City Charter has been created over many years and it has added sections from time to time and put it into different elements of the Charter that has been inconsistent, unenforceable in many cases or not providing all the mechanisms thinking it’s covered somewhere else. He went on to say this

proposal would set a policy of what they consider the standards of conduct for the city and creates a mechanism for creating future ordinances or rules to make sure they were consistent, it does not set the activities and is not an ordinance. This would provide the City Council another provision to do rule making or ordinances and to make sure they all come into consistency over time. Mr. Woods-Bateman stated this proposed amendment would address any issue in a fair and equitable way of any missing provisions in the charter or any enabling piece of policy in the Charter. He encourages the Commission to strongly to pass this proposed charter amendment.

D. Budget, Council, and Other Procedures

PROPOSAL 1 - Salary Commission; Amend provision regarding Council review of Commission findings.

PROPOSAL 34 - Budget; Administration and enforcement of the executive capital budget ordinance -- lapse in 12 rather than 6 months.

PROPOSAL 52 - Budget; Require that the Mayor sign a budget bill before exercising line item veto authority.

PROPOSAL 53 - City Council; Allow the Council to designate which Councilmember will serve as Council chair and presiding officer pro tempore when both the chair and vice-chair are absent or disabled.

PROPOSAL 54 - Ordinances; Clarify that amendments to existing codified ordinances may be made by the City Council by reference to the codified provisions, rather than by reference to the numbered ordinances that may be enacted.

PROPOSAL 91 - Property Taxes and New Fund; Set aside one-half percent (1/2%) of real property tax revenues for land and natural resources protection and one-half percent (1/2%) of real property tax revenues for affordable housing.

PROPOSAL S-10 - Public notices; Distribution of public notices via a widely accessible electronic medium.

The following individuals testified:

1. Melody Heidel (Proposal 91)
2. Josh Stanbro, Trust for Public Land (Proposal 91)
3. Randy Ching (Proposal 91)
4. Darlene Hein (Proposal 91)
5. Shannon Wood, Windward Ahupua`a Alliance (Proposal 91)
6. William Woods-Bateman (Proposal S-10)
7. Pastor John Heidel (Proposal 91)

Written testimony:

1. Darlene Nakayama, Chair, Palolo Neighborhood Board (Proposal 91)

2. Betty Lou Sarson, Housing Program Director, Catholic Charities Hawaii Proposal 91)
3. Randy Ching (Proposal 91)
4. Duc Ong (Proposal 91)

Melody Heidel testified in support of Proposal 91. She stated she feels the proposed charter amendment is important because it will ensure it will balance the growth and development with the protection of natural and cultural resources. She went on to say the inclusion of affordable housing in the development process, she thinks the environment and those who are not so fortunate are overlooked as the city strives to grow to become a bigger and better place and yet it is the foundation for growth. Ms. Heidel went on to say we need to provide for the well being of the community from the ground up starting with the basics, fresh drinking water, open space, shelter and cultural amenities. She went on to say utilizing a minimal percentage of property tax revenues would make a significant difference in the continuance of the natural and cultural assets that give a value to growth and development in Hawaii. Ms. Heidel stated she believes property ownership should show true ownership by taking care of the land and the people, which is the nature of ownership, and not just assets but it's how you treat them, how you protect them and how you provide for them. She went on to say it's vital that money is put toward these necessities and it's appropriate to be taken from the property tax revenues that along side development to set aside to continue to create affordable places for all residents and to preserve the natural resource that we all rely on. Commissioner Chang asked if Ms. Heidel knew what the total revenue collected from the property taxes and what the $\frac{1}{2}\%$ would yield? Ms. Heidel responded she did not know but she feels the $\frac{1}{2}\%$ is reasonable and it's a small amount for a large value that would come out of it.

Josh Stanbro testified in support of Proposal 91. He went on to say they echo what Mr. Dean Okimoto and the farming sector is in support of Proposal 91. Mr. Stanbro stated there is also an affordable housing component in the proposal. He went on to say in terms of the land conservation element, the mechanism of having a fund available to help protect land addresses a lot of things discussed earlier in terms of sprawl and growth and when farmers are able to sell essentially the development rights on their land it reduces their overhead, tax, liability and allows them to do more sustainable farming product on the land and remain on the land. He stated there is federal funding available for this and there are two other counties, Maui and Kauai that have seen fit to dedicate portions of their real property tax revenue to specific funds so they can leverage those dollars. Mr. Stanbro went on to say the farm and ranching protection programs are federal programs and Hawaii gets an allocation every year and up until last year, every year that allocation gets returned to Washington D.C. and those are our federal tax dollars coming back to Hawaii. But the reason it was returned to Washington D.C. is because there were no local match to keep those dollars here because there is a required one to one match for federal programs. He went on to say those programs are used to buy and protect whether open space with development rights and that the private property owner remains on the land by capped development on vacant farms and they can compatible uses or in the case of a park or open space coastal areas they could actually buy the land for a park, public service, public access and open space. He stated the leverage is key, Maui and Kauai are the two counties that passed these in 2002, have been able to do remarkable things with their small funds. Mr. Stanbro stated he personally feels the level should be higher

than on percent but leaves that decision up to the Commission when they calculate the numbers. He stated he thinks the amount would be about \$3M that would be set aside from one percent and that would be split evenly which would be about \$1.5M for both affordable housing and a land fund. He went on to say then you could take the \$1.5M for land fund and leverage that not only with the federal government, but also the state which just passed the legacy lands act last session and in their estimation there the thought there would be about \$3M a year going into that fund that could be used by the counties, non-profit organizations and by the state to protect land and that is buying it at fair value, respecting private property owner rights. Mr. Stanbro stated there is about \$5M in the fund rather than \$3M, so that means more money available for matching from the state, more money available to bring in federal dollars. He stated Maui County was able to protect about 300 coastal acres with their one percent set aside.

Randy Ching testified in support of Proposal 91. He stated he echoes Mr. Stanbro's testimony. Mr. Ching added because there is a model with Maui and Kauai and see that those two county systems work and not something brand new or untried as it has already been established in those two counties so because it's worked for them than we would be pretty safe in passing this proposal out.

Darlene Hein testified in support of Proposal 91. She stated there are over 3,000 people on Oahu who are homeless and everyone knows Oahu is in a homeless and housing crisis. Ms. Hein stated everyday more and more low-income housing are being torn down and luxury and expensive housing is being built. She stated a few years ago the City decided they shouldn't be in the housing business because they weren't doing it very well because of different situations and the truth is the City can't say they are not going to provide this because it's part of the public good to insure the residents have shelter and have a safe place to live and raise their families. She went on to say affordable housing is really important. Ms. Hein stated the developers aren't going to do it unless they have public funds available. She stated the City always say it should be part of the budget process and they'll put in the budget, but they've been saying that for over 20 years and it is still not part of the budget process. She went on to say they only way to do this would be to mandate this and have it as an on going fund. Ms. Hein went on to say developers want to know if the funding can be relied upon and would be there next year and the year after as they look forward to figuring out what they are going to do in their planning. She encourages the Commission to support this proposal and forward to the November ballot.

Shannon Wood testified in support of Proposal 91. She stated she is active in four organizations that focus on homelessness and affordable housing issues because they believe a positive quality environment is not just confined to how many trees that are growing but that it is a sustainable approach, if the economy is bad you can't take care of the environment, if the education system is poor that there will not be a well trained workforce and would not be making a lot of money to afford these kinds of things. Ms. Wood went on to say this needs to be considered a statement of public policy in the City Charter that these are two important issues that needs to be addressed and are aware that politics plays a part. She went on to say this is not a tax increase but a distribution of one percent of the property tax collected. She stated the average property tax payer on the island of Oahu of this current tax year, the average property tax paid by residential and condominium tax payer is \$1,750 for the year, some pay more some pay less. One

percent is \$17.50 a year and one-half percent would be \$8.75 would go to affordable housing fund and \$8.75 would go to be set aside for important land purchases. Ms. Wood went on to say she just wanted to put that into perspective as the Commission is making their decision. She states this proposal is important and is a statement of how the people of City and County of Honolulu are important and shelter and protection of the environment and urges the Commission to move the proposal out for further consideration. Commissioner Chang asked Ms. Wood what were the figures she provided earlier. Ms. Wood responded for this tax year, the average property tax that are being paid by all homeowners, single-family homes or condominium and did not include commercial or agricultural, is \$1,750 per year rounded out and one percent would be \$17.50.

Bill Woods-Bateman testified in support of S-10. He went on to say this has come up in many different ways and feels it is important to put this in the Charter as there are other communication devices put into the Charter and this is not covered this one so this is not mandated or required. Mr. Woods-Bateman stated when they go to the Neighborhood Commission or other places for their notices to their Neighborhood Boards and for others, there is inconsistency and the only official place in the City is to post in on a board in the City Clerk's office. He stated if a department has a good Department Head they sometimes have electronic posting and even notify you. He states the Charter Commission is great, if you contact them and you have an electronic disbursement you'll get that and everything that is coming out of the office which is rare for the city and encourages the Commission to put this in Charter and any other language the deem appropriate to keep up with the 21st century and it's developing techniques for communication. He also stated another thing that is very specific is a concern to the Neighborhood Board System, the Chairs have a consistent problem with their minutes, agenda and other things and how they are getting out. He states it's been an ongoing thing, one of their real concern is their minutes. When their minutes are altered at a meeting, they are not altered on the website and if you go back 6 months or a year ago and look at the minutes you won't see those minutes of that month altered. He went on to say one, two or three months later in the minutes something was mentioned about those minutes and it was altered, but is extremely difficult to follow. Mr. Woods-Bateman stated they've made numerous recommendations that once they've agreed to amend the minutes to electronically amend through the system. He states they are told there are no requirement to have the board in the first place therefore there's no requirement to change it and keep it updated. He stated an electronic distribution of public notices is very important to the public process and encourages the Commission to move this forward. Vice Chair Mikulina asked Mr. Woods-Bateman if the issue he mentioned would be resolved through this Charter Amendment? Mr. Woods-Bateman responded in the affirmative because this would be asking for the accuracy of documents and other things that are public records. He went on to say his interpretation is they would have to go back and alter the minutes. Mr. Woods-Bateman stated they have the capability now but choose not to do so.

Don Heidel testified in support of Proposal 91. He went on to say he strongly in favor of the Commission passing this on to the voters. Mr. Heidel stated he represents four different faith based groups, president of the Inner Faith Alliance of Hawaii, member of the Faith Action for Community Equity Housing Committee, member of the Family Promise of

Hawaii an organization which is establishing a network of churches and temples to provide transitional housing and participate with a Coalition of Solidarity for the Homeless. He stated all of the faith-based groups care about the housing crisis we have and about the proper care we have for our land. He went on to say he thinks this proposal would be a huge step forward to care for the land and care for the people. Mr. Heidel went on to say they are very concerned that housing prices are gaining in momentum; there is an increase between the minimum wage and the cost of housing, and a huge increase in the number of people without shelter. He went on to say there is an immediate need to provide shelter for people without houses in the way of safe havens or tent cities. There is a long-term need to solve the housing crisis in terms of providing supportive and affordable housing. Mr. Heidel stated the need to redefine what affordable housing is, not the 120% of the median income but more like 50% so that people could actually afford to live here. He urges the Commission to pass the proposal. Commissioner Tom noted Mr. Heidel raised a lot of good points and made a differentiation between affordable housing and homeless needs for shelter. Commissioner Tom asked Mr. Heidel if the proposal went forward would the one-half percent of the revenue that is designated for affordable housing, given that we have a significant homeless problem, should they designate those funds for the homeless housing instead? Commissioner Tom went on to say the if, as the prior speaker says the proposal would generate \$3M, which is really not a lot of money, if we have \$3M or \$4M dollars, perhaps we should focus it on a major issue that is becoming a very visible problem throughout the islands and that is providing more housing and shelters for the homeless. Commissioner Tom asked Mr. Heidel what his thoughts would be of giving the money more to the homeless, where we have a big problem instead of proving for affordable which could be people making \$70,000 - \$80,000 a year? Mr. Heidel responded it's a good questions and he doesn't think he would not like to choose between providing immediate shelter for the homeless and providing an answer to the more long-term answers for everyone to be able to afford it. Mr. Heidel went on to say one of the concerns, i.e. Family Promise is offering some type of temporary housing and their goal is once they get into their churches and temples is to find them a place to live. So if there are no affordable housing to place them then their program would not be able to go very far. Mr. Heidel stated they both need to happen and would not want to choose either or, but maybe there would be some way to balance it out so we could at least start with something and start solving both of the problems, not one or the other.

Darlene Hein commented on Commissioner Tom's question to Mr. Heidel. Ms. Hein noted when talking about affordable housing, it is an issue as Commissioner Tom talked about using 80% of median which for a family of four on the island of Oahu is \$67,000 and if you go up to 120% it would be about \$85,000. Ms. Hein went on to say what they can look at if the proposal is put into play is working with the City and what the rules around the funds would be. She went on to say they could specify for the lower income which is 50% of median and below and that would get to those coming out of Family Promise, those who are working closer to minimum wage and senior citizens living on Social Security. Ms. Hein suggested one of the things the Commission may want to look at is if they wanted to look at affordable and talk a little about priority being those who are 30%-50% below median income. Commissioner Hirano asked Ms. Hein when she talked about affordable housing is she talking about for purchase or for rent? Ms. Hein responded they could do both because the proposal doesn't specify what it is for. Ms. Hein went on to say

one of the plans would be the advocates and those working in the housing and homeless arena who would work with the city to look at how best to do that and the Commission could actually look at doing both areas. Ms. Hein stated there is a great need for low cost rental at this point and time. She stated there have been a lot more low cost elderly housing being built, but not have not built very much low cost family or single residents. Commissioner Tom stated Ms. Hein has made some really good suggestions of targeting it to the non-population that is earning less than 30% of income because it covers both the transitional homeless and those who are in affordable and thanked Ms. Hein for those suggestions.

Vice Chair Mikulina asked to take a five-minute recess. Commissioners present agreed.

RECESSED at 7:43p.m.

RECONVENED at 7:55p.m.

E. Elections and Representation

PROPOSAL 5 - Elections; Eliminate the first special election when there are only two candidates for an office.

PROPOSAL 9 - Neighborhood Commission; Establish direct relationship between Commission and Executive Secretary

PROPOSAL 13 - Neighborhood Commission; Revise the Powers, Duties and Functions of the Neighborhood Commission.

PROPOSAL 55 - Term Limits; Re term limits for Councilmembers.

PROPOSAL 61 - Councilmember terms; Change the beginning time of the terms of Councilmember.

PROPOSAL 86 - City Council; Increase the number of members on the City Council from 9 to 11 or 13.

The following individuals testified:

1. Debbi Glanstein (Proposals 9, 13)
2. William Woods-Bateman (Proposals 9, 13, 86)
3. William Wilson (Proposal 13)
4. Ron Heller (DEFEATED PROPOSALS 26 and 65)

Written testimony:

1. Debbi Glanstein (Proposals 9, 13)

Debbi Glanstein testified in opposition to Proposal 9. Ms. Glanstein read her written testimony into the record.

Ms. Glanstein testified in support of Proposal 13. Ms. Glanstein read her written testimony into the record. She added to take into consideration any of the proposed amendments that eventually go forward and become part of the ballot to be clear so everyone can understand as some of the proposals are very complex and need to be broken down because the electorate are either going to vote "no" or not vote at all. Commissioner Tom commented Ms. Glanstein has articulated the issues very well and very clearly for the Commissioners.

William Woods-Bateman testified in support of Proposal 9. Mr. Woods-Bateman stated there are two legal entities currently at play with the Executive Secretary and the Commission. He stated because of that dilemma there have been many problems over the last 35 years of the Neighborhood Board system. Mr. Woods went on to say in the last year it really came into a head because the administration is one entity, which the Executive Secretary is appointed under currently, and has the leader doing activities related to the functions of the administration completely unrelated to the Neighborhood Board system. Mr. Woods-Bateman stated they are getting legal counsel from the Department of Corporation Counsel which is telling them certain things, the Administration through the Executive Secretary issue at least three policy changes this year that were totally contrary to the position of the Commission who is supposed to set the direction and policy for the Neighborhood Board. Mr. Woods-Bateman stated dozens of complaints were written to OIP and other entities that have regulatory functions over conducting of meeting, the Neighborhood Commission meeting went on for hours because they could not address it. He went on to say the Commission were told by legal counsel that they do not have authority over the Executive Secretary because they are part of the Administration and are covered under the Charter as a separate entity specifically. Mr. Woods-Bateman stated when one of the issues became a major legal violation; the Commission's motion requested the Executive Secretary and the Administration rescind the policy because the Commission could not state it as the employer or the appointee. He went on to say it was in violation of the law and that was the strongest statement the Commission could make in a motion. Mr. Woods-Bateman went on to say this is an ongoing problem. The current Executive Secretary attends Neighborhood Board Meetings representing the Administration, not her department but to the Administration and taking on activities related to the Administration, unrelated to the Commission. He stated he is in strong support as well as the Kalihi Valley Neighborhood Board who officially voted this particular proposal. Mr. Woods-Bateman went on to say it is very important to have one leader in control of the staff and the program activities they are in. He went on to say when they met with the Administration and the Executive Secretary they were told they are autonomous and are not obligated or required under law to respond to or deal with the Commission or the Elected Neighborhood Board even though they run the staffing for them. Mr. Woods-Bateman stated the other problem is they keep defining the Administration and what the roles and responsibility of the Neighborhood Commission itself is. The Neighborhood Commission Office has to file the budget and do an evaluation. He notes they are not very well delineated in the current Charter.

Mr. Woods-Bateman stated item #13 list those responsibilities similar to other commissions that are before the city and this delineates and puts things into perspective. Mr. Woods-Bateman went on to say the Commission doesn't review their budget prior to

submission to the City Council. He went on to say they as well as Neighborhood Boards are asked to testify on their budget that has been created and passed by the administration.

Vice Chair Mikulina asked Mr. Woods-Bateman to continue with his testimony for Proposal 86. Mr. Woods-Bateman testified in support. He stated he strongly recommends this proposal to give the public more access and better representation for their communities.

Bill Wilson testified in support of Proposal 13. He stated the proposal emphasizes to have a Neighborhood Plan published that has been in many stages of revision. Mr. Wilson went on to say Proposal 13 emphasizes to evaluate the duties and powers of the Executive Secretary.

F. Housekeeping Amendments

PROPOSAL 51 - Department of Customer Services; Include the Director of Customer Services as a department head who must be nominated by the Mayor, with the advice and consent of the Council, and may be removed by the Mayor.

PROPOSAL 75 – Ethics Commission; Include the prohibition against Ethics Commissioners taking an active part in political management or political campaigns set forth in the Hawaii Constitution Article XIV.

PROPOSAL 76 – Police; Delete prohibition of political activities by police department employees.

PROPOSAL 77 – Royal Hawaiian Band; Delete the reference to Royal Hawaiian Band in "Appointment, Confirmation and Removal of Officers and Employees".

PROPOSAL 78 – Civil Defense Agency; Delete the reference to Civil Defense Agency in "Appointment, Confirmation and Removal of Officers and Employees".

PROPOSAL S-6 - Petitions; Delete requirement of Social Security numbers on petitions.

The following individuals testified:

NONE

Written testimony:

NONE

4. Announcements

None.

5. **Next Meeting Schedule**

Tuesday, March 28, 2006 at 6:00p.m. at Kapolei Hale and the following Tuesday, April 4, 2006 at Hahaione Elementary School.

6. **Adjournment**

Commissioner Hirano moved to adjourn, Commissioner Coffee seconded the motion. Meeting was adjourned at 8:16 p.m.